

### **Remarks**

This application is a division of parent application serial no. 10/226,472. An Information Disclosure Statement containing the published parent application (Publication No. 2004/0036157 A1) is being filed concurrently with this Amendment.

The "Utility Patent Application Transmittal" filed on 11/25/2003 (copy attached) incorporated the entire disclosure of the parent application by reference at paragraph 18. It is further stated that the specification, claims and abstract from the parent application were inadvertently omitted, and the wrong specification, claims and abstract were filed.

Accordingly, Applicants respectfully request that the application be amended by substituting the specification, claims and abstract from the parent application for the wrong specification, claims and abstract filed on 11/25/2003.

As support for this amendment Section 201.06(c) of the MPEP set forth, in part:

"an applicant may incorporate by reference the prior application by including, in the continuation or divisional application-as-filed, a statement that such specifically enumerated prior application or applications are "hereby incorporated herein by reference." The statement may appear in the specification or in the application transmittal letter. The incorporation by reference statement can only be relied upon to permit the entering of a portion of the prior application into the continuation or divisional application when the portion of the prior application has been inadvertently omitted from the submitted application papers in the continuation or divisional application. The inclusion of this incorporation by reference of the prior application(s) will permit an applicant to amend the continuation or divisional application to include any subject matter in such prior


application(s), without the need for a petition provided the continuation or divisional application is entitled to a filing date notwithstanding the incorporation by reference."

Conclusion

In view of the foregoing, entry of this amendment, and the allowance of claims 26-50 submitted with the Preliminary Amendment dated 11/25/2003 is requested. Should any issues remain, the Examiner is asked to contact the undersigned by telephone.

DATED this 1st day of July, 2004.

Respectfully submitted:


  
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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to: Mail Stop Non-Fee Amendments, Commissioner For Patents, PO BOX 1450, Alexandria, VA 22313-1450 on this 1st day of July, 2004.

July 1, 2004  
Date of Signature

  
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Stephen A. Gratton, Attorney for Applicant